



Professional Services Small Business Contract Requirements Project Specific Contracts

OUR AGENDA:



Professional Services Contract Requirements

- Timeline
- Project Specific Contracts
 - Why the Change?

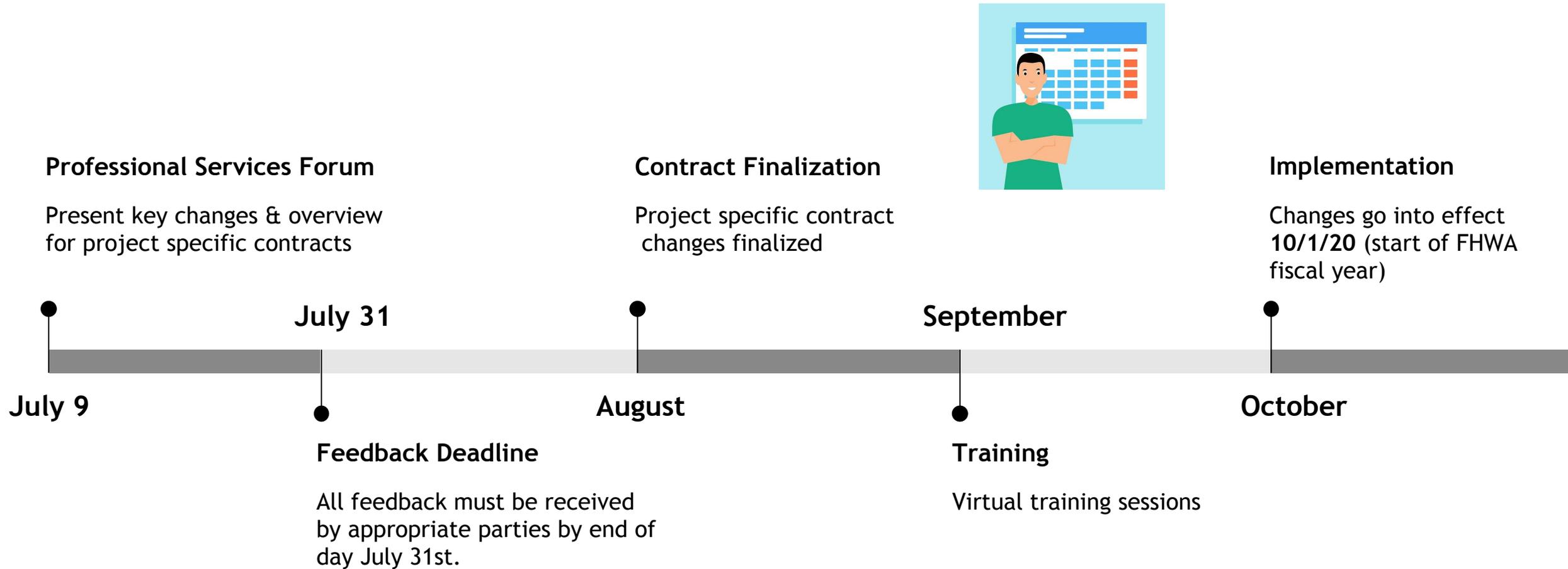
Project Specific Contracts

- The Changes

Virtual Training Dates



Timeline of Project Specific Contract Changes





Project Specific Contracts Why the Change?



Alignment with DBE Regulations: Stewardship and Compliance Monitoring

CDOT/FHWA Stewardship Agreement

- Requires independent monitoring/reporting

49 CFR Part 26: DBE Regulation

- Goal Setting
 - Requires narrowly tailored goals based on known Scope of Work

Assistance to Industry

- Training and education
 - B2GNow processes
 - Fall virtual training
 - One on ones
 - Online training TBD





Why the Change?

More narrowly tailored scope at time of advertisement than Non-Project Specific (NPS) contracts

- Typically fewer task orders on Project Specific Contracts
 - Results in simpler process

Most processes are the same as the 2020 Non-Project Specific contracts

- RFP proposals with Affidavit
- Scoring
- Elements to set DBE goals
- Modification Process
- B2GNow Prompt Payment Audits and Payments
- Closing Process





Key Differences: Project Specific Contracts

- Goal Setting
- Commitments
 - Utilization Plans
 - B2GNow Monitoring
- Forms for Project Specific Contracts
- Enforcement





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Project Specific Contract Process



Types of Contract Requirements

Old Contract Revisions (Pre-2016) “Old Spec”	Current Contract Revisions (Ads between 7/1/16 and 12/31/19) “New Spec”	New Contract Revisions 2020 (NPS Ads as of 1/1/20) (Project Specific Ads as of 10/1/2020) “Prof Serv 2020 Spec”
No B2GNow Requirements	B2GNow Requirements	New Small Business Targets and Scoring
	Utilization Plan and B2GNow Usage Requirements	New and Revised Forms
	Master Contract Goal - MC Goal Passed on to Every TO	Additional Page in RFP for Civil Rights Small Business Participation for Scoring
		NPS Contracts - Master Contract Advisory Goal - Task Order DBE Goal Setting (if requested) 10/1/2020 - Project Specific Contracts - Master Contract Goal

Existing contracts follow the appropriate requirements in the contract

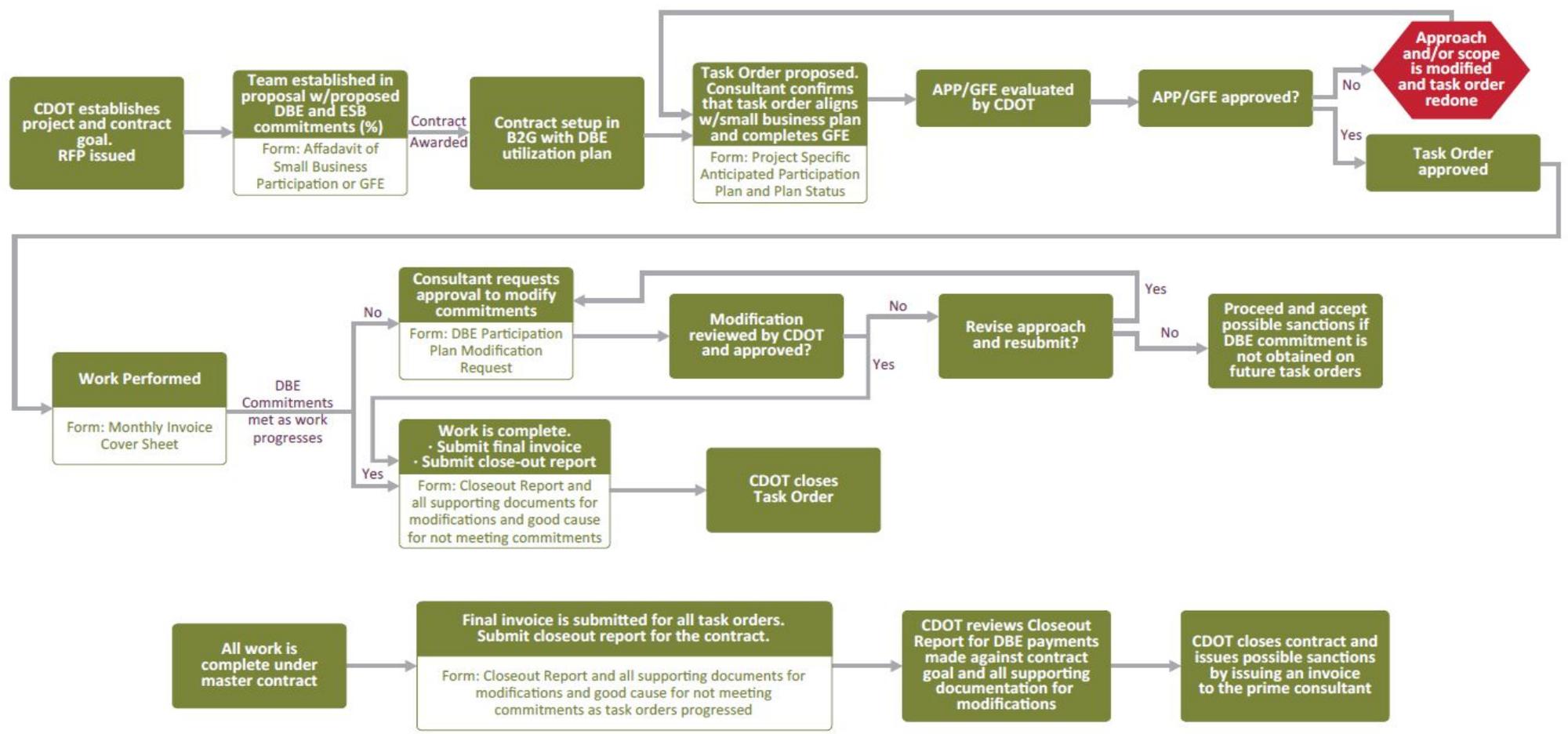


Process Flow: Project Specific Contracts

Project Specific Task Order Contracts DBE Process


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DBE Goals: Elements of Setting a Master Contract

- More narrowly tailored scope of work for Project Specific
- Master contract NTE \$ amount
- One to two task orders on Project Specific contracts
- Greater understanding of Scope of Work
 - Volume and availability of work for same work areas/scope of work
 - Possible subcontracting opportunities
 - Available DBEs in work areas
 - Estimated % of amount of work and work areas
 - Location (region specific) and % of work





Project Specific Goal Setting

- DBE Goal is set at the time of the Master Contract for Project Specific contracts
 - No task order goals
 - Task order participation will roll up to Master Contract



NOTE: 2020 Professional Services Reevaluation of DBE Goal Form used for Non Project Specific contracts will *not* be used for Project Specific contracts



All Contracts: Civil Rights Scoring 2020

Firm Type	Maximum Points	Point Breakdown
New Prime w/DBE Certification <i>or</i> ESB Certification	10	Small Business Plan (5) <i>and</i> New Prime with Single Certification (5)
DBE Certification <i>and</i> ESB Certification	10	Small Business Plan (5) <i>and</i> Two Certifications (5)
DBE Certification	7	Small Business Plan (5) <i>and</i> Single Certification
ESB Certification	7	Small Business Plan (5) <i>and</i> Single Certification
No DBE or ESB Certification	5	Small Business Plan (5)



Project Specific: Utilization Plan Commitments

- One Utilization Plan (UP) in B2GNow for Master Contract
 - Commitments must identify the work to be performed by the DBE
 - Include the **percentage** of the contract committed to each DBE Firm
 - Non-DBE firms and suppliers/vendors will be added to UP by percentage





Utilization Plan: DBE Primes

- DBE primes will be set up twice to receive “credit” for DBE participation for both Project Specific and NPS contracts
 - Once as Prime as NonDBE on UP
 - Contact Civil Rights for set up for DBE credit of participation as sub

Subcontract Information	
Subcontractor Tier *	Subcontracts to [Prime] CDOT Prime Test 1 ▾
Reference Identifier	
Contracted Percent & Amount *	<input checked="" type="radio"/> By Amount: \$ 125 <input type="radio"/> By Percent: % <small>Enter the full amount/percent of the subcontract or the percent relative to the total contract value (\$1,000,000). Do not deduct amount/percent of lower tier subcontracts assigned under this subcontractor.</small>
Type of Participation *	Subcontractor/Subconsultant ▾ Subcontractor/Subconsultant Supplier - Manufacturer Supplier - Regular Dealer Supplier - Packager, Broker, Distrib., Wholesaler, Manuf. Rep. Joint Venture Fees & Commission Broker Trucking & Hauling Trucking & Hauling Brokerage Self-Performing Prime Contractor
Starting Paid To Date Amount	
Final Amount Adjustment/Paid Retainage	Date Paid: (mm/dd/yyyy) <small>Enter the full final amount paid to this subcontractor. Do not deduct final amounts paid to lower tier subcontractors.</small>



Utilization Plan Commitments

Project Specific vs NPS

Project Specific Example - Percentage Commitments

Use * before and after text for wildcard (e.g. ^acme*)
 - not case sensitive, but punctuation and spaces are important
 - after selecting vendor, the contact and address fields will auto-populate

Contact Person *

Address *

Applicable Vendor Certifications

Sign a vendor and [click to refresh certification list](#).

Subcontractor Details

Subcontractor Tier *

Proposed Amount & Percent *
 By Amount: \$
 By Percent: 5 %

Amount Towards Goal *

NPS Example - Dollar Commitments

Use * before and after text for wildcard (e.g. ^acme*)
 - not case sensitive, but punctuation and spaces are important
 - after selecting vendor, the contact and address fields will auto-populate

Contact Person *

Address *

Applicable Vendor Certifications

Sign a vendor and [click to refresh certification list](#).

Subcontractor Details

Subcontractor Tier *

Proposed Amount & Percent *
 By Amount: \$ 500000
 By Percent: %



Task Orders

Consultant provides same submittals with every Task Order request

- *Project Specific Anticipated Participation Plan (APP) for and Plan Status Report Form*
 - Documents all DBE/ESB subs and suppliers/vendors that will be used to complete the work of the Task Order
- PCW (subconsultants) or Letter of Intent (suppliers/vendors)
- Task Order Request Form
- Any other documents required for submittal





Task Order Documents: Anticipated Participation Plan Form

COLORADO DEPARTMENT OF TRANSPORTATION
ANTICIPATED PARTICIPATION PLAN FOR **PROJECT SPECIFIC** CONTRACTS
AND PLAN STATUS REPORT

SECTION 1. MASTER CONTRACT or TASK ORDER TYPE

<input type="checkbox"/>	Master Contract	<input type="checkbox"/>	New T/O	<input type="checkbox"/>	Amended Funds
--------------------------	-----------------	--------------------------	---------	--------------------------	---------------

Attach all required information for modification

SECTION 2. PROJECT INFORMATION

Region		Date	
Master Contract (OLA) #		Master Contract NTE \$	\$
Project Description		Task Order \$	\$
Related to CDOT Project Subaccount #		Cumulative Task Order \$	\$
Task Order #			\$
Contract Goals	DBE Contract Goal %	ESB Contract Goal %	
Cumulative DBE \$ and % Committed with this Task Order	\$		%
Cumulative ESB \$ and % Committed with this Task Order	\$		%

COLORADO DEPARTMENT OF TRANSPORTATION
ANTICIPATED PARTICIPATION PLAN FOR **PROJECT SPECIFIC** CONTRACTS
AND PLAN STATUS REPORT

PLAN STATUS REPORT

Complete this form only if the DBE commitment or ESB commitment for the contract has not been met with this task order.

Attach all supporting documentation as necessary

SECTION 1. CONSULTANT INFORMATION

Prime Consultant	0	Consultant is a ESB	<input type="checkbox"/>
Compliance Contact Name	0	Consultant is a DBE	<input type="checkbox"/>
Email	0	Address	0
		Phone	
DBE Commitment \$ and %	\$	%	ESB Commitment \$ and %
	\$		\$

SECTION 2. EFFORTS TO ACHIEVE DBE/ESB PARTICIPATION



DBE Modifications: DBE Participation Plan Modification Request Form

Modifying DBE Commitments using Good Cause Reasons

Good Faith Efforts are Good Cause Reasons

- Good Cause must be demonstrated and approved by RCRO
- CDOT will consider a variety of factors, included in the Contract Requirements
 - Why DBE commitments cannot be met
 - Why DBEs on the team cannot perform the work
 - Efforts taken to replace the DBE on the team with another DBE
 - Will include other information and documentation that may assist in decision

What is *not* considered Good Cause

- Consultant self performing the work
- Substitution with a nonDBE

Approved modifications will be changed and documented in B2GNow through the change order process completed by the RCRO





B2GNow Monitoring: Prompt Payment Audits

Payment audits in B2GNow allow consultants, project personnel and RCRO to monitor DBE progress

- **Consultants** receive monthly Task Order prompts for audits in B2GNow
- **Consultants** report all payments into B2GNow manually and confirms
 - Payments your firm received in that month's audit
 - 15 day waiver for CDOT involvement on pay investigations
 - CDOT can withhold payment for non reporting of payments
- Project Personnel and RCROs monitors past due audits



Prime Consultant submits CDOT *Form 1313* (Apr 2020 version) to CDOT Accounting for payment. Be sure to include each firm's B2GNow vendor account number on form



B2GNow Monitoring of Commitments: Non Project Specific

DBE goal/commitments tracked through B2GNow

- Every task order will have a DBE goal
 - DBE goal will be passed down from the Master Contract

OR

- A reevaluated approved DBE goal will be assigned to the task order with a Task Order Utilization Plan
- NPS participation at task order level
- Commitments are measured in dollars for each task order

431005937: R4-PS-SROP-TO#1-20853 SH 71 SOUTH OF LIM	Status: Open/New Spec. - With Audits
Prime: Rocksol Consulting Group, Inc.	Current Award: \$1,397,553
2/7/2020 - 1/31/2021	Goal: 5.00% Total Paid: \$355,842
	% Credit: 9.12% For Credit: \$32,436

[Add to Dashboard as Priority Flagged Contract](#) [Refresh Page](#)



B2GNow Monitoring of Commitments: Project Specific

DBE goal/commitments tracked through B2GNow

- Master Contract will have a DBE goal
- **No reevaluation for Project Specific contracts**
- Good Faith Efforts (if applicable)
- **DBE goal will roll up from task order(s) to Master Contract**
 - Request Report from CDOT (for now)
 - Monitor with your own spreadsheet
- **Commitments are measured by percentage at the end of the Contract**
 - The percentage is calculated by the actual payments to a DBE firm divided by the actual CDOT payments to the Consultant





B2GNow Monitoring of Commitments Project Specific

Compliance Audit: Audit Summary for Total Master Contract

Help & Tools

[Main](#) [View](#) [Settings](#) [Subs](#) [Docs](#) [Change Orders & Task Orders](#) [Alerts](#) [Comments](#) [Messages](#) [Closeout](#)

[Compliance Audit List](#) [Compliance Audit Summary](#) [Compliance Audit FY](#) **Master Audit Summary** [Reviews](#) [Site Visits](#) [Reports](#)

321999999: PS - Master Contract Demo Status: **Open/New Spec. - With Audits**
 Prime: **CDOT Prime Test 1** Current Award: **\$0**
 11/1/2018 - 11/1/2020 Goal: **10.00%** Total Paid: **\$0**
% Credit: **0.00%** For Credit: **\$0**

Compliance Audit Summary - Entire Master Contract							
	Current Award	#	Award Percent	Payments	#	Payments Percent	Difference (Payments - Award)
Prime Contract	\$1,000,000.00			\$85,000.00			
For Credit	\$50,000.00		5.000%	\$7,500.00		8.824%	3.824% above goal
Goal Types							
For Credit to DBE Goal	\$50,000.00	4 subs	5.000%	\$7,500.00	1 sub	8.824%	3.824% above goal
Contract Progress	9% <div style="width: 9%;"></div>						
For Credit Progress	15% <div style="width: 15%;"></div>						

Award values may not match due to differences between overall contract goal and subcontractor assignments.

Prime Contractor(s) - Entire Master Contract						
Prime Contractor	Cert	Inc. in Goal	Contracted Percent	Paid Percent	Prime's Share of Payments	Payments TO Prime
CDOT Prime Test 1	No	No	94.700%	74.706%	\$63,500.00	\$85,000.00

Certification status is based on master contract settings.

Subcontractors - Entire Master Contract						
Subcontractor	Cert	Type	Inc. in Goal	Contracted Percent	Paid Percent	Paid Amount
CDOT Sub Test 1	No	Sub	No	1.300%	16.471%	\$14,000.00
CDOT Sub Test 2		Sub 100%	DBE	0.800%	0.000%	\$0.00





Project Closeout

Civil Rights *may* apply disincentives if no approved modification requests are submitted and DBE commitment(s) are not met

- Closeout at Task Order level
 - Modification request if DBE goal is not obtained at Task Order level
 - Plan for how to attain at Contract level on future Task Orders





Missed DBE Commitments

49 CFR Part 26: DBE Regulation

- Allows Enforcement by:
 - Termination of the contract
 - Disqualifying the contractor from future bidding
 - Assessing sanctions
 - Withholding monthly progress payments
 - Liquidated damages



Penalties/Sanctions

- RCRO will determine penalties/sanctions
- RCRO will document and approve unmet commitments
- If not approved, RCRO may impose sanctions
 - Calculation of actual dollars paid to Prime vs actual dollars paid to DBE firms



Project Closeout: Project Specific

Closeout at End of Contract

- Complete modifications before closeout of contract
- Submit CDOT *Professional Services Closeout Report Form* to Project Personnel and CRBRC/RCRO
- CDOT initiates review to determine if sanctions required
 - Prime will reimburse CDOT
 - Prime will have 30 days to pay CDOT
 - Future task orders will *not be* approved if payment is not received
 - If new task order needs approval during 30 day period, Prime has option of paying earlier for task order release





Project Specific: Enforcement

- Occurs at the end of the Master Contract
 - Not at Task Order Level
- Approval of Task Orders and change orders is not considered an approval by CDOT of any Commitment Modifications
 - Ensure correct documentation is still included
- It is the sole responsibility of the Consultant to ensure that Commitments are fulfilled or to request modifications in a timely manner





2020 Forms: Project Specific Contracts

Revised forms can be found on CRBRC's website:

<https://www.codot.gov/business/civilrights/compliance/prof-services/resources-forms>

These forms include:

- Affidavit of Small Business Participation Form
- Anticipated Participation Plan for Project Specific Task Orders with Good Faith Efforts Report Form
- Professional Services DBE Participation Plan Modification Request Form
- Professional Services Closeout Report Form
- CDOT Form 1313 that includes B2GNow vendor ID

Version 2.0 Guides on website





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MORE QUESTIONS?
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THANK YOU!